

FILED

NOV - 1 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

NICHOLAS TREY DANIEL,
Plaintiff,

v.

Civil Action No.: 1:23-cv-86

DEBORAH L. PREECE - WAYNE COUNTY PROSECUTOR,
RICK THOMPSON - WAYNE COUNTY SHERIFF
BILLY DELL RUNYON - WAYNE COUNTY MAGISTRATE,
TFC. J.J. DEAN III - WEST VIRGINIA STATE POLICE TROOPER,

COMPLAINT

NOW COMES the Plaintiff, Nicholas Trey Daniel, Pro Se, in the United States District Court for the Northern District of West Virginia, pursuant to **42 U.S.C. § 1983**. This Honorable Court has jurisdiction over this action pursuant to **Title 28 U.S.C. §§ 1331 and 2201**. The Plaintiff alleges the following:

PROCEDURAL HISTORY

1. On November 9, 2021, a Criminal Complaint was filed by TFC. J. J. Dean III with the Wayne County Magistrates Office.
2. The above-mentioned Criminal Complaint was assigned Case No. 21-M50M-01889 by the Wayne County Magistrates office.
3. The Criminal Complaint alleged a violation of ***Sexual Abuse 3rd Degree, W.Va. State Code 61-8B-9 / Battery, W. Va. State Code 61-2-9(c)***.
4. The Defendant named in the Criminal Complaint was the Plaintiff, Nicholas (Trey) Daniel, whose Date of Birth was listed as 12/19/99, Social Security Number listed as XXX-XX-8609, and WV Driver's License Number listed as WV 4618241. These identifiers are all accurate in describing the Plaintiff.

5. The Criminal Complaint against the Plaintiff is based on a report given by West Virginia State Police TFC. J. J. Dean III. The report alleged the Misdemeanor charge of Sexual Abuse 3rd Degree and Battery involving a fourteen (14) year old juvenile. The alleged crime occurred on or about September 10, 2021.
6. In July of 2022 the Plaintiff, Nicholas Trey Daniel, was arrested by the Wayne County Sheriff Department based on an outstanding warrant in Case No. 21-M50M-01889
7. Once arrested the Plaintiff was taken to the sheriff department and then to Western Regional Jail.
8. The next morning the Plaintiff was heard before the Wayne County Magistrates Office via telephonic and video connection and arraigned for the following charges:
 - Sexual Abuse 3rd Degree **W.Va. Code § 61-8B-9**
 - (a) *A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent, when such lack of consent is due to the victim's incapacity to consent by reason of being less than sixteen years old.*
 - (b) *In any prosecution under this section it is a defense that:*
 - (1) *The defendant was less than sixteen years old; or*
 - (2) *The defendant was less than four years older than the victim.*
 - (c) *Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than ninety days, or fined not more than five hundred dollars and confined in the county jail not more than ninety days.*

- Battery - W.Va. Code § 61-2-9(c)

“Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature to the person of another or unlawfully and intentionally causes physical harm to another person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than twelve months or fined not more than \$500, or both fined and confined.

9. At no time during the arraignment was the Plaintiff asked about the validity of the charges, for an alibi, any previous contact or actual contact with the victim, or any actual involvement in the above-mentioned charges.
10. Once arraigned, the Plaintiff remanded into the custody of the West Virginia Division of Corrections and Rehabilitation and housed at Western Regional Jail.
11. The Plaintiff, being labeled a sex offender yet put into general population, had a much increased risk to his personal safety and was justly anxious of that risk.
12. The Plaintiff received no contact or information about the charges from the state during his time being housed at Western Regional until his preliminary hearing, almost a full week from the initial arrest.
13. At the preliminary hearing, Plaintiff, along with legal counsel of Valerie Maynard, was told that his “charges” were going to be increased to felonious level
14. Once back at Western Regional the Plaintiff received a phone call from the Wayne County Prosecutor, Ms. Deborah Preece. Ms. Preece stated that “There has been a major mistake made. The wrong person has been charged in this crime and you are not the guilty party. You will be released immediately.”

15. Once released, the Plaintiff realized the damage that was caused over the wrongful arrest and detainment for such egregious charges. By the time that Plaintiff was released the news had spread across his home county via social media and other sources. The weight of such accusations impacted his personal life, marital life, professional life, and ability to maintain residence in his home county.
16. Since the time of the original and slanderous charges the Plaintiff has suffered extreme distress and anxiety. These false charges have been used against him during custody hearings, job interviews, personal relationships, and criminal investigations.
17. Plaintiff has become a target of gossip and slander due to the wrongful arrest and detainment by the Defendants listed herein.
18. Plaintiff has suffered both mentally and physically due to the trauma caused by this heinous injustice and negligent abuse of power.

STATEMENT OF COMPLAINT

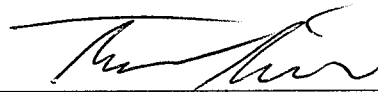
- Plaintiff was wrongfully arrested and detained based on the negligence and deliberate indifference shown by West Virginia State Trooper J. J. Dean III.
- Plaintiff was wrongfully arrested without any ability to address the issue of actual identification due to the deliberate indifference of Wayne County Sheriff Rick Thompson and his staff.
- Plaintiff was wrongfully detained due to the deliberate indifference and negligence shown by Wayne County Sheriff Rick Thompson, Wayne County Prosecutor Deborah Preece, and Wayne County Magistrate Billy Dell Runyon.
- Plaintiff has suffered irreparable damage to his personal reputation and ability to move forward with life due to the negligence shown by all Defendants.

RELIEF REQUESTED

- Plaintiff requests Compensatory Damages in the amount of (\$150,000.00) One Hundred Fifty Thousand Dollars.
- Plaintiff requests Punitive Damages in the amount of (\$750,000.00) Seven Hundred Fifty Thousand Dollars.

PLAINTIFF DEMANDS TRIAL BY JURY

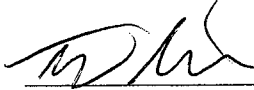
Respectfully Submitted,



Nicholas Trey Daniel
WV DCR # 3624589
Pruntytown Correctional Center
2006 Traps Springs Road
Grafton, WV 26354

VERIFICATION

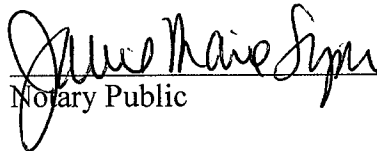
I, Nicholas Trey Daniel, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Complaint are true of my personal knowledge; and if I have set forth matters upon information given to me by others, I believe that information to be true.



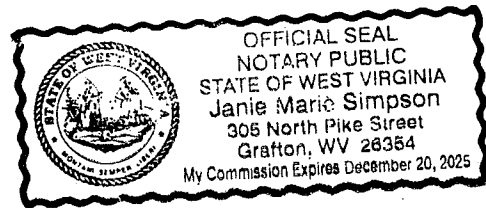
Nicholas Trey Daniel

10-11-2023
Date

This Verification was sworn to or affirmed before me on the 11 day of October, 2023.



Notary Public



My Commission Expires: 12/20/25

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TFC. J.J. DEAN III - WEST VIRGINIA STATE POLICE TROOPER,**

CERTIFICATE OF SERVICE

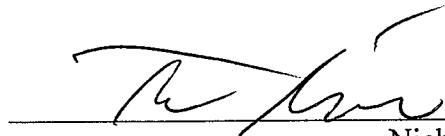
I, Nicholas Trey Daniel, appearing Pro Se, hereby certify that I have served the foregoing **COMPLAINT** upon the Defendants by depositing true copies of the same in the United States Mail, Postage Prepaid, to the following parties:

Billy Dell Runyon
Wayne County Magistrate
P.O. Box 667
Wayne, WV 25570

Deborah L. Preece
Wayne County Prosecutor
P. O. Box 758
Wayne, WV 25570

Rick Thompson
Wayne County Sheriff
P. O. Box 248
Wayne, WV 25570

J. J. Dean III
West Virginia State Police
P. O. Box 248
Wayne, WV 25570



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